



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
September/ 27/ 2005

Dr. Richard Eskin, Director
Technical and Regulatory Services Administration
Maryland Department of the Environment
1800 Washington Boulevard, Suite 540
Baltimore, Maryland 21230-1718

Dear Dr. Eskin:

The U. S. Environmental Protection Agency (EPA) is pleased to approve Total Maximum Daily Loads (TMDLs) and Water Quality Analysis (WQA) for the Patuxent River Lower and Eastern Bay Basins submitted by the Maryland Department of the Environment (MDE) on

July 8, 2005, to EPA for review and approval. These TMDLs were established and submitted in accordance with Section 303(d)(1)(c) and (2) of the Clean Water Act to address impairments of water quality as identified in Maryland's Section 303(d) list. These waters within these basins were identified on the State of Maryland's Section 303(d) lists as failing to attain criteria for shellfish harvesting. The TMDLs described in this document were developed to address localized water quality impairments identified within the watersheds, specifically excessive bacteria concentrations in four restricted shellfish areas of the Patuxent River Lower and Eastern Bay Basins. The remaining impairments in these watersheds will be addressed by MDE in separate TMDL document(s).

EPA's approval of the Patuxent River Lower and Eastern Bay Basin TMDLs is based on EPA's understanding that MDE will complete a Bacterial Source Tracking (BST) study in this watershed and MDE will evaluate the BST data when it becomes available, in order to verify the nonpoint source loading estimates contained in the TMDL Report.

The TMDL analysis identifies the current loading, relates the current loading to the applicable water quality standard, and identifies the necessary reductions for a total maximum daily load that will achieve the applicable water quality standard.

In accordance with Federal regulations at 40 CFR §130.7, a TMDL must comply with the following requirements: (1) designed to attain and maintain the applicable water quality standards, (2) include a total allowable loading and as appropriate, wasteload allocations (WLAs) for point sources and load allocations for nonpoint sources, (3) consider the impacts of background pollutant contributions, (4) take critical stream conditions into account (the conditions when water quality is most likely to be violated), (5) consider seasonal variations, (6) include a margin of safety (which accounts for uncertainties in the relationship between pollutant loads and in-stream water quality), (7) consider reasonable assurance that the TMDL can be met,

and (8) be subject to public participation. The enclosure to this letter describes how the fecal coliform TMDLs for the Patuxent River Lower and Eastern Bay Basins satisfy each of these requirements.

As you know, all new or revised National Pollutant Discharge Elimination System permits must be consistent with the TMDL WLA pursuant to 40 CFR §122.44 (d)(1)(vii)(B). Please submit all such permits to EPA for review as per EPA's letter dated October 1, 1998.

In regards to the Shipping Creek WQA, EPA concurs with MDE's determination that the recent data for Shipping Creek show that a fecal coliform TMDL is not necessary for Shipping Creek. The monitoring data summarized in Table 2.3.1 of the TMDL / WQA Report, show that the median and 90th percentile criteria are being met for this area. If, in the future, evidence suggests that the bacteria from the Shipping Creek Watershed are contributing to water quality problems, then action will have to be taken.

If you have any questions or comments concerning this letter, please do not hesitate to contact Mr. Thomas Henry at (215) 814-5752.

Sincerely,

Signed

Jon M. Capacasa, Director
Water Protection Division

Enclosure

cc: Melissa Chatham, MDE-TARSA

